IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 1331 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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SUNILKUMAR CHIMANLAL SAJNANI - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR MEHUL H RATHOD for Applicant(s) : 1,
MR UR BHATT ADDITIONAL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR HIMANSU M PADHYA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 12/03/2007

ORAL JUDGMENT

1. By way of this application, the applicant has prayed to quash and set aside the F.I.R. being I - C.R. No.50 of 2001 dated 11.2.2001 registered with Palanpur Police Station.

2. The learned advocate for the applicant has produced on record the memorandum of marriage at Annexure A to the application and the affidavit filed by the sister of the complainant at Annexure C to the application dated 23.2.2001, wherein she has stated

that she had married the applicant and after marriage, she was residing at her parental home as per her own wish and will.

3. Considering the facts of the case, it would be relevant to refer to a decision of the Hon'ble Apex Ciourt in the case of B.S. Joshi and Others V. State of Haryana and Another reported in 2003 (4) SCC 675. In that case, the High Court had refused to quash the FIR on the basis of the settlement arrived at between the parties. The Apex Court held that the Court must not deny to exercise powers u/s. 482 of the Code of Criminal Procedure on the ground that the same would permit the parties to compound non-compoundable offences. In view of the principle laid down by the Apex Court, the complaint is required to be quashed and set aside. In this case also, the parties have come out with settlement.

5. In the result, the application is allowed. The complaint being I – C.R. No.50 of 2001 dated 11.2.2001 registered with Palanpur Police Station is quashed and set aside. All the consequential

proceedings are also quashed and set aside. The application stands disposed of accordingly.

(K.S. JHAVERI, J.)

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